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FAX MESSAGE

Send To:

Name: Examiner Alton N. Pryor

FAX Number: 571-273-0621

Firm: U.S. Patent Office - Group Art Unit 1616

Telephone Number: 571-272-0621

From:

Name: Gregory T. Lowen, Ph.D.

Floor: 3

Operator Sending:

Telephone Number: 202.739.5915

Time Sent:

Date Sent: February 28, 2006

Number of Pages (including cover page): 3

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U.S. Patent Application No. 10/609,124

Inventors: William A. Kinney *et al.*

Filed: June 30, 2003

Title: Stereoselective Synthesis of Squalamine

Group Art Unit: 1616

Examiner: Alton N. Pryor

Attorney Docket: 036870-5067-05

Examiner Pryor,

As per our earlier discussion, attached please find a terminal disclaimer over U.S. Patent No. 6,262,283.

**TERMINAL DISCLAIMER TO OBVIATE A
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT**

Attorney Docket 036870-5067-05

In re Application of: William A. Kinney *et al.*
Application No. 10/609,124
Filed: June 30, 2003
For: Stereoselective Synthesis of Squalamine

The owner, Genaera Corporation of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent 6,262,283. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, etc.) the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.

February 28, 2006

Date

Gregory T. Lowen

Signature

Gregory T. Lowen, Registration No. 46,882

Name

- ☒ Terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

- ☐ PTO suggested wording for terminal disclaimer was
☒ unchanged. ☐ changed (if changed, an explanation should be supplied).

PATENT

Attorney Docket No: 036870-5067-05

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: William A. Kinney *et al.*

Serial No.: 10/609,124

Filed: June 30, 2003

For: Stereoselective Synthesis of Squalamine

Examiner: Alton N. Pryor

Art Unit: 1616


U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

1. Transmitted herewith is a Terminal Disclaimer (U.S. Patent No. 6,262,283).
2. Fee Payment: The Commissioner is hereby authorized to charge \$65.00 to Deposit Account No. 50-0310 for the Terminal Disclaimer Fee (small entity rate).
3. Constructive Petition: Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a constructive petition for extension of time in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: February 28, 2006
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Respectfully submitted,
Morgan, Lewis & Bockius LLP



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